



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/113,561	08/25/93	ADAMS	DEKA055

DAVID L PARKER  
ARNOLD WHITE & DURKEE  
PO BOX 4433  
HOUSTON TX 77210

HR11/0407

EXAMINER

BENZION, G

ART UNIT

PAPER NUMBER

1638

DATE MAILED: 04/07/00

45

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

File Copy



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DEA/FCE-1994

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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

See Attachment

This letter is in response to the remand by the Board Of Appeals and Interferences, dated June 22, 1999, to the primary examiner to consider if the Information Disclosure Statement (IDS), submitted May 17, 1999, is in compliance with 37 CFR 1.97 and 1.98. Additionally this letter addresses a second IDS, submitted, February 25, 2000, and a Status Inquiry Letter submitted by Appellants' on January 27, 2000.

*Detailed Action*

The information disclosure statement submitted on May 17, 1999 was filed after the mailing date of the final Office Action on April 17, 1995. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the petition is granted and the information disclosure statement is being considered by the examiner.

The information disclosure statement filed February 25, 2000 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Applicants did not submit a certification as required under 37 CFR 1.97(e)<sup>1</sup>. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Appellant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).


This application is being returned to the Board of Appeals and Interferences.

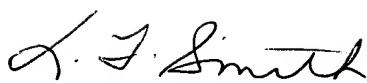
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<sup>1</sup> Applicants statement regarding submission under 37 CFR 1.97(b)(3) is taken as a constructive petition to charge the fee required under §1.17(I), however, no fee has been charged in view of the failure to certify as noted.

Serial No. 08/113,561  
Art Unit 1638

3 of 3

  
GARY BENZION, Ph.D.  
PRIMARY EXAMINER  
GROUP ART UNIT 1638

  
LYNETTE R. F. SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600